

and condemnation of 52 cases of preserves, at Albuquerque, N. Mex., alleging that the articles had been shipped by Libby, McNeill & Libby, from Bl Island, Ill., February 3, 1926, and transported from the State of Illinois into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part "Rival Brand * * * Artificially Colored, Added Phosphoric Acid, Co Syrup, Sugar, Apple Pectin Blackberry (or "Strawberry," or "Peach," "Loganberry," or "Red Raspberry," or "Pineapple") Preserves, Packed Peter J. Kasper Co., Chicago, Ill."

It was alleged in substance in the libel that the articles were adulterated and misbranded, in that the said statements upon the cases and labels regarding the said articles, were false and misleading and were calculated to deceive and did deceive the purchaser since a substance deficient in fruit had been mixed and packed with the said preserves so as to reduce, lower and injuriously affect their quality and strength, and had been substituted wholly or in part for phosphoric acid, corn sirup, sugar, apple pectin fruit preserves, which the articles purported to be.

On August 8, 1927, the Peter J. Kasper Co., Chicago, Ill., having appeared as claimant for the property, and the court having found that the products should be labeled, in part, "Imitation Preserves," judgment was entered ordering that the products be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, and should not be sold or disposed of until correctly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture*

15387. Misbranding of middlings. U. S. v. 300 Bags of Middlings. Cons decree of condemnation and forfeiture. Product released upon bond. (F. & D. No. 21980. I. S. No. 13326-x. S. No. 14.)

On July 19, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 bags of middlings, remaining in the original unbroken packages at Gettysburg, Pa., alleging that the article had been shipped by Continental Milling Co., from Ellicott City, Md., on or about June 24, 1927, and transported from the State of Maryland into the State of Pennsylvania and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Continental Choice Middlings * * * The Continental Milling Co., Ellicott City, Md."

Misbranding of the article was alleged in the libel for the reason that statement "100 Lbs." borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 20, 1927, the Continental Milling Co., Ellicott City, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be sold or otherwise disposed of until examined and passed by this department.

R. W. DUNLAP, *Acting Secretary of Agriculture*

15388. Adulteration and misbranding of butter. U. S. v. Harrow-Taylor Butter Co. Plea of guilty. Fine, \$50. (F. & D. No. 21594. I. S. No. 2274-x, 2284-x, 5082-x.)

On August 12, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harrow-Taylor Butter Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about July 26, and August 5, 1926, respectively, from the State of Missouri into the State of Ohio, and on or about July 20, 1926, from the State of Missouri into the State of Maryland, of quantities of butter, which were adulterated and misbranded. A portion of the article was labeled, in part "Richfield Creamery Butter * * * Harrow-Taylor Butter Co. Kansas City." The remainder of the said article was labeled, in part "Cream Butter."

It was alleged in the information that the article was adulterated, in that substance containing less than 80 per cent by weight of milk fat had